

SPRING 2015 VOL. 20 NO.4

TPIJ

Texas Paralegal Journal

Empowering
Paralegals





State Bar of Texas

Paralegal Division

www.txpd.org

We provide... leadership • professionalism • public service

Join PD and reap the benefits!

Below is a highlight of a few of the benefits that can make your membership invaluable.

- » **E-Group Forum:** Join the members-only forum with hot topics, forms, ethics, and general questions posted and answered by paralegals. The eGroup is a way for members to share information and to obtain input to help address questions. Say you have a question and think the group would be a good resource; you could send your question to the eGroup. In a matter of minutes, you can have an answer to your question, a fresh idea about the matter, or a lead in the right direction. The amount of time that you can save with the eGroup is worth the cost of membership alone.
- » **CLE:** The Paralegal Division provides many opportunities to obtain CLE. Every year the Paralegal Division sponsors the Texas Advanced Paralegal Seminar (TAPS), a 3-day CLE seminar where you can obtain up to 14 hours of CLE for one low great price. A majority of the topics are TBLS approved for those board certified paralegals. If you are not able to attend TAPS, the Paralegal Division provides other opportunities by providing at least 3 hours of CLE in your district and online CLE. The Paralegal Division has over 60 different CLE topics available online for those paralegals that are not able to attend CLE outside of the office. You can obtain your CLE hours while at your computer.
- » **Mentor Program:** The mentor program is available to all members of the Paralegal Division. The purpose of this program is to provide support on topics such as ethics, career advancement, professionalism, and the Division. Mentors will provide support, guidance, and direction to new paralegals that will strengthen their links to the paralegal community, and contribute to their success as a paralegal. Protégés also have access to valuable networking opportunities with other paralegals and the legal community through their mentor, as well as at state-wide and district Paralegal Division events.

Membership criteria and additional member benefits can be found at www.txpd.org under “Membership” tab. All applications are accepted and processed online at www.txpd.org/apply. Dues payment accepted by check, money order or credit card. Questions regarding membership in the Paralegal Division can be forwarded to pd@txpd.org or memberchair@txpd.org.

A Division with Vision... Empowering Paralegals!

PRESIDENT'S *Message*

Clara Luna Buckland, C.P.

In thinking about this, the Special Issue of the TPJ, and what message I wanted to convey, I took a look back at my career as a paralegal, not only at how I have grown, but how the profession and the Paralegal Division have grown throughout the years. I recall with clarity what I was doing when I learned for the first time, that the State Bar of Texas was in the process of creating the Legal Assistants Division (“LAD”). My supervising attorney and her associate were discussing it within my hearing range. I had been working with her for about three months, and was still attending school so I could not appreciate what it meant when they expressed that they were not in favor of LAD. Curiously enough, both of these attorneys were my first mentors who allowed me to challenge myself and welcomed my tenacity. It was this working experience that taught me that I truly embraced challenges and I grew tremendously as a paralegal while working with them. Plus, it was they who years later encouraged me to join LAD, and paid my membership dues! Fast forward to today—even though I have not worked for these two attorneys since 1994, we three have met for lunch a couple/three times each year since then without fail. Needless to add, our professional relationship developed into a personal relationship that has evolved into a lasting, lifetime friendship. When they learned I was going to serve the PD as President, they were thrilled for me and have been very supportive of me and the paralegal profession. I can wholeheartedly declare that they became believers of the paralegal profession.

As this issue focuses on empowering paralegals, I wanted to provide other



paralegals’ perspective, so I sought the help from some fellow paralegals asking them if there was anything in particular that they could share with you about a turning point in their career path. Our very own TPJ Editor, Ms. Heidi Beginski, BCP-TBLS, Personal Injury Law had this to share.

“When I was new to the legal field, I hand-delivered

something to an attorney and paralegal during a personal injury trial in federal court. Waiting until the next break to exit the courtroom, I saw the defense attorney present his expert on direct examination. The expert’s theory was essentially that the mechanism of injury could not have been what the injured person claimed—pretty serious stuff. Not knowing much about the case, I was stunned as the attorney took the expert through all the reasons why the plaintiff’s claims did not match up with the evidence. I realized during that testimony that there are no “little pieces” to the puzzle when it all gets plugged into the bigger picture. During the next break, the attorney asked my opinion regarding the effectiveness of the expert’s testimony. That day, I learned that even a non-lawyer newbie can contribute just by engaging her brain, and if I continued to utilize my unique skills in the field of paralegalism, I would get out of the profession more than I put in.”

Heidi sums it all up beautifully. As in everything else we do in life, by engaging ourselves we achieve according to our personal goals; there is no stopping us. How we impact our career is within us with no one but ourselves in control.

As we consider the idea of empowering others and growth of the profession and the PD, I want to touch on the PD’s continued goal of providing, among other member benefits, quality substantive legal education to all Texas paralegals regardless

of member status—whether it is through its yearly Texas Advanced Paralegal Seminar (“TAPS”), its monthly webinars, online CLE, or through seminars/brown bags offered statewide by District Directors. At the core of the PD’s ability to provide CLE is the invaluable disposition of attorneys willing to donate their time and share their knowledge on substantive topics. Sadly, at this time, those attorneys are unable to claim MCLE credit. As such, I have made it my mission as president to seek that the State Bar of Texas Minimum Continuing Legal Education Rules and Regulations be revised to allow attorneys who present substantive CLE to paralegals to receive teaching credit, so in January I wrote Mr. Trey Bergman, Chair of the MCLE Ad Hoc Committee about it. In response to my letter, I was invited by the MCLE Committee to attend its February 5 meeting in Austin, to present our argument in support of this initiative. During that meeting the committee told me that they wanted a PD Representative to serve on the ad hoc committee. I told the committee that I will gladly serve as the PD representative since I will be completing my term as President in June. However, I understand that Mr. Alan DuBois, State Bar of Texas President-Elect will make that appointment. So I am holding on to hope that I will be given the opportunity to continue to work on this matter and represent you and the Paralegal Division.

Before I close I want to remind you about the PD’s new app and what a wonderful tool it is to be able to keep track of your CLE on the spot, but also to have the TPJ at your fingertips especially during those occasions when you have to wait in line or at a doctor’s office. While we may not have time to read during working hours, it is wonderfully convenient to be able to read the great articles and learn as you wait!

“If one advances confidently in the direction of his dreams, and endeavors to live the life which he has imagined, he will meet with a success unexpected in common hours.”—Henry David Thoreau

Dream big, imagine creatively, and stay receptive to the divine nudges and ideas within—successfully reaching all that you endeavor!

TPIJ

Texas Paralegal Journal

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EDITOR'S *Note*

By Heidi Beginski, Board Certified Paralegal, Personal Injury Trial Law, Texas Board of Legal Specialization

"Empowering paralegals" means different things to different attorneys and paralegals. If you're not satisfied with the amount of responsibility and creativity you exercise in your current position, you have to ask yourself—truthfully—whether it is a lack of experience on your part, or a lack of opportunity in your position. Positions generally do not change—an attorney needs what an attorney needs. Experience and a proven track record, however, can open many doors.

Experience is not the same thing as "time in the job." While often the two do go hand-in-hand, I have known many paralegals who quickly proved themselves to be capable and valuable members of the team.

In this issue, as we celebrate the accomplishments of PD's members, we also hear from two very experienced Texas attorneys on how the role of paralegals in their respective practices have evolved. I have been fortunate to work for the firms of both Michael D. McQueen and Larry W. Hicks, and know first-hand their commitment to the paralegal profession. To have two such accomplished and respected attorneys sharing their experiences in working with paralegals is not only encouraging to paralegals, and hopefully will resonate with attorneys who are currently less inclined to utilize paralegals as a basis for reconsideration of that position.

My supervising attorney encouraged me to join LAD (as the PD was previously called) based on his experience as a State Bar director and involvement with its various committees and projects. He told me I would not be disappointed; he was—as usual—correct. I have served the PD as a district director, committee chair, subcommittee chair and committee member, and I value the opportunities doing so have provided to meet inspiring people and grow, both professionally and personally.



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DEADLINE FOR SUMMER ISSUE IS MAY 1, 2015

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Certification Matters

Announcing Our New Paralegal Website

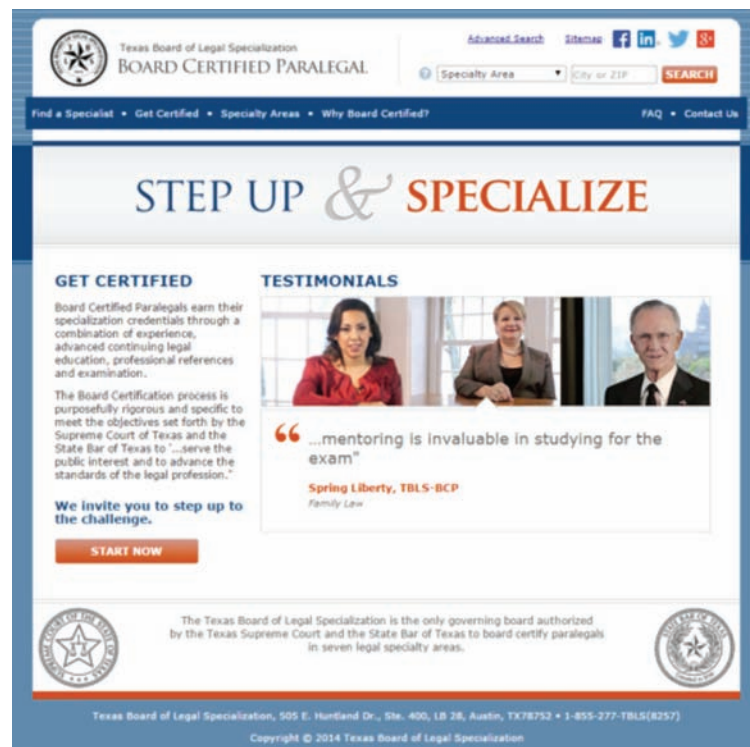
www.tbls-bcp.org

The Texas Board of Legal Specialization would like to announce its new website, www.tbls-bcp.org, specifically for Texas' Board Certified Paralegals. This website is an informational tool used to promote the presence and exclusive status of the TBLS paralegal certification process. It also acts as an Intranet for the Board Certified Paralegal (BCP) community and Texas attorneys interested in specialized paralegal matters.

This is only the initial phase of the website, with more video, online member services and social media options to be added in the future.

We welcome any questions or thoughts about the website!

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Paralegal Certification Application Update

We want to inform you that the 2015 application process for the Paralegal Board Certification will commence in late spring. As soon as we have more details regarding the availability of the application and any other updates we'll be sure to send out a separate announcement to you all. Feel free to email tbls@tbls.org with any questions or thoughts in the meantime.



PARALEGAL DIVISION

Elections Notice—District Director Vote (Online) beginning March 24!

The Paralegal Division's DIRECTOR ELECTION for District Directors in odd-numbered districts (Districts 1, 3, 5, 7, 11, and 15) will take place **March 24 through April 8, 2015**. There will be two (2) Directors elected from District 1 and one (1) from each of the remaining Districts.

Who Can Vote? All Active members of the Paralegal Division in odd-numbered districts in good standing as of March 24, 2015 are eligible to vote.

To Vote: login* to the members-only area at www.txpd.org and cast your vote for your District Director. The process is fast, easy, anonymous, and secure.

- Between **March 24th and April 8, 2015** go to www.txpd.org
- In the Members-Only section, click on "Vote"
- Follow the instructions to login and vote

Voting must be completed on or before 11:59 p.m., April 8, 2015.

*Login is USER ID (Membership Number) and PASSWORD (first five letters of your last name all lower case)

UPCOMING EVENTS

- Annual Meeting of the Paralegal Division—June 19, 2015, San Antonio, TX—Registration will begin in May 2015
- Board of Directors Meeting—June 18, 19, and 20, San Antonio, TX
- Texas Advanced Paralegal Seminar (TAPS) 2015—September 30 thru October 2, 2015—Fort Worth, TX—Registration will begin in June 2015

ANNOUNCEMENTS

2015–2016 Membership Renewals are mailed in April 2015. Current 2014–2015 members will receive a membership renewal form. Check and Money Orders are accepted as payment using the printed renewal form. Online renewals will begin on May 1, 2015 via the Paralegal Division website (www.txpd.org). All current 2014–2015 Active and Associate Members of the Paralegal Division are required to obtain at least 6 hours of CLE (2 of those hours can be self-study) between June 1, 2014 and May 31, 2015 in order to renew membership for 2015–2016.

Online CLE: Don't have time to leave your desk for a CLE event? If you are in need of CLE, please note the Paralegal Division offers **Online CLE**. The Online CLE catalog @ <http://txpd.inreachce.com/> is a combination of past on-site CLE as well as webinars that have been presented by the Paralegal Division. More CLE topics are added on a monthly basis. View the catalog to see what may interest you. If you are a certified paralegal, this may just be the "Go To" place to obtain the CLE. You may also download most of the CLE topics to a podcast so you can listen as you drive to work!

Continuing Legal Education Scholarship—2015 Texas Advanced Paralegal Seminar (TAPS), a three-day CLE seminar September 30–October 2, 2015. The Paralegal Division of the State Bar of Texas will award up to two (2) educational scholarships to PD members for the three-day registration to attend the TAPS 2015 seminar, *Saddle Up for CLE—TAPS 2015!* To apply, download the application under the NEWS [home page] at www.txpd.org.





The Paralegal Value Proposition— Why I’m A Believer

By Michael D. McQueen

“When I realized that I could delegate these functions and count on the paralegal ..., my life was much easier.”

Some attorneys have never been exposed to what a strong and capable paralegal can do for them. Count me in that group for most of my first 20 years of practice. As a young lawyer, I was the one tasked with many of the functions I later discovered could be done as efficiently and effectively by a paralegal: drafting discovery and discovery responses, reviewing records and other documents, drafting procedural motions and pre-trial orders, interviewing witnesses or interviewing jurors after trials and holding the client’s hand by responding to questions regarding procedure, scheduling and other non-substantive issues. As I progressed to partnership and supervising younger lawyers, I continued to follow the model on which I was raised. And there are sound bases for that model. A younger lawyer bills at a higher rate than a paralegal, and if there is a limited amount of work and each takes approximately the same amount of time to perform a function, the firm generates more revenue through the use of the junior lawyer as opposed to having a paralegal do it. Secondly, while it eventually becomes less efficient to have attorneys deal with more mundane discovery mat-

ters, they cannot supervise someone else performing those functions if they have not been through it themselves. If a lawyer does not understand the process and has not experienced the trials and tribulations of dealing with such matters, he or she can neither understand nor appreciate nor properly supervise someone else doing them. So there is definitely a case to be made for the “old school” model.

Although I use the term “new school” to describe the more multi-faceted role which paralegals can play, it is really not “new” at all. Paralegals working with solo practitioners or in very small law offices have been performing these types of functions for years. Whether having the title “Paralegal” or not, in many small shops, the role of a staff support person often includes the functions of not only a paralegal, but also a legal secretary, a young lawyer, an investigator and an accountant simply because the operation cannot support hiring people to fulfill those roles. Just as smaller medical clinics are more inclined to use nurse practitioners or medical assistants to provide care because they cannot afford or cannot find doctors to do those things, smaller law offices are the breeding ground for the more sophisticated paralegal practice. While larger firms may pay more and offer better benefits, paralegals (and young attorneys for that matter) are going to get more responsibil-

ity and develop advanced experience more quickly in a small office because of the nature of the beast.

So, why try to blend the two and use paralegals extensively in a larger firm practice? Even if a larger firm can hire as many lawyers as it chooses, there are distinct advantages to employing paralegals. First, large firm clients are becoming more sophisticated in their analysis of bills for legal services. Insurance companies, for example, routinely send legal invoices for review by a third party auditor. Neither in-house counsel nor auditors want their clients paying attorney rates for work which can be done without a law license. Attorneys who want to “partner” with their clients for the long term look for ways to make the process more efficient for the client, rather than to maximize the bill for the law firm. Those subjected to audits will often find entries disallowed for attorney time for a function which can be performed by a paralegal. Having a paralegal assist with discovery, document review and even witness interviews enables the firm to provide in depth service without breaking the bank or having its invoices cut.

Second, from the firm’s perspective, paralegals do not grow up to be partners. Paralegals advance in their careers by becoming specialized and perhaps leading paralegal or other staff teams in larger operations. Young lawyers want to become



partners. If that path does not appear apparent where they are, they will move on to another firm. To keep a lawyer for ten or 15 years requires that they be made a partner at some point in the process. That carrot cannot be dangled forever. To keep a paralegal for ten or 15 years may require significant salary increases along the way, but even after that length of time, that salary will not approximate what a relatively new lawyer would make. Plus, from an overhead perspective, the paralegal does not require the overhead which a lawyer does. Offices for paralegals tend to be smaller and on the interior of the building, less secretarial support is necessary, and paralegals are not part of the headcount for the calculation of professional liability insurance.

Paralegals should be involved from the outset of the lawsuit. Even if not involved in the initial client meetings, the paralegal should be briefed or otherwise provided with the details of the meeting to become familiar with the “players” on the client’s side of the lawsuit and the facts underlying the client’s position. With such knowledge, the paralegal should be able to prepare draft responses to most discovery questions and do a preliminary review of client supplied documents to ascertain relevance. This saves the attorney time and the client money. Of course, the attorney must review the draft responses and revisions may be necessary, particularly with regard to critical facts and contention interrogatories. The same is true for documents. I prefer to review all documents to be produced, but if the more critical documents are flagged, I can generally get through the unimportant ones much more quickly and focus on those that will be pivotal in the case.

This type of assistance takes training and cannot usually be provided by a newly hired paralegal overnight. An investment of time is required by both the paralegal and the attorney. The first step is to make sure the paralegal has at least a general understanding of the substantive law in the case and the issues if the matter goes

through the process to trial. While this may be time intensive on the first file(s) of a particular type of case, a good paralegal will ask the appropriate questions and, after one or two cases of that type, be able to process future cases of that ilk, without extensive supervision on the front end.

Such substantive knowledge will also enable the paralegal to request appropriate records or prepare subpoenas for documents and then pull likely exhibits for witness meetings and depositions with less guidance and required time by the attorney. Having someone anticipate these needs and get ahead of the curve can be very valuable when the attorney’s time is constrained. When I realized that I could delegate these functions and count on the paralegal to get the majority of exhibits ready while I focused on the issues, my life was much easier.

Substantive knowledge also enables the paralegal to summarize depositions more effectively. Separating the wheat from the chaff adds value to the summary. A summary which simply regurgitates the contents of the deposition without grouping and emphasizing the critical elements is really not much more helpful than an index. And since we can now search depositions electronically, another index is not of great value. A summary which groups the testimony based on the facts stated by the witness, with appropriate citation, is a valuable aid for preparation of motions or evaluation letters, or for rapid review when time is of the essence, like at a subsequent deposition or at trial, or even when the client calls to ask how the deposition went.

My paralegal is responsible for my calendar. While my secretary may enter items as well, any court setting or mandated deadline is the responsibility of the paralegal in two respects: first, to make sure it is on the calendar and second, to make sure that I do not overlook it. I want to be reminded and yes, even nagged, about deadlines, rather than relying on my memory. Sometimes attorneys get so caught up in the day-to-day practice that things slip by. That is not acceptable in a litigation-

related practice and one of the most important functions a paralegal performs is making sure that does not happen.

Trial assistance varies by the attorney, but I have always found it helpful to have a paralegal sit with me at a trial. During *voir dire*, I want the paralegal to be an extra set of eyes for me (the client or company representative gets drafted for this as well) to gauge the responses of potential jurors to both the other side’s presentation and mine. I rely on their intuition as a supplement to mine, particularly when assessing marginal jurors. Not to sound or be sexist, but my paralegals have all been women and I appreciate the different sensitivities they can bring to the process. The same is true for evaluating how the attorney presentations and testimony might be perceived. While I will always have an opinion, sometimes I am too close to the situation to be completely objective. I also ask the paralegal to observe the jury during opening statements and while testimony is being presented during the trial. Once again, I also try to make my own observations, but am limited by having my attention on the witness.

The paralegal is also responsible for exhibits during the trial. This involves not only keeping them organized and having them ready when I need them, but also logging whether they have been offered and admitted. We use exhibit books which are prepared in advance of trial for the judge, court reporter, witness and opposing counsel. While I am responsible for deciding what goes in them, the paralegal can provide helpful advice and then is responsible for putting them together and keeping them updated so that at the conclusion of the trial, we can confidently submit them to be sent to the jury room and preserved for an appeal, if necessary. If we are using an electronic database of exhibits to project them for the jury, the paralegal is responsible for that operation as well.

Once the case is over, I always ask my paralegal to contact the jurors to find out what they thought during the trial and



what went on during deliberations. This is often not allowed in federal court and there are occasions when jurors will just not want to talk to us, usually when we have suffered an adverse verdict. But when it is allowed, I have found jurors are more inclined to speak frankly with someone other than the attorney who they feel is responsible for the case. Information regarding the jurors' view of the attorneys, witnesses and process is very valuable for future reference, particularly in determining the accuracy of our team's perceptions of reactions to various pieces and forms of evidence.

Of course, junior lawyers can serve many of these functions and, in addition, can put on or cross examine witnesses. In many of my cases, however, the client will not pay for two attorneys at trial, but are willing to pay for a paralegal. Whether this

is short-sighted on their part is not for me to say, it's their money that is paying for the expense of the defense and which is at risk during the trial. Even when allowed a second attorney to assist during trial, however, I still have the paralegal perform the functions I have previously described.

In summary, I have found that a good paralegal is an essential element of my practice. While I went many years without fully utilizing one, once I discovered what a capable person could do, I was hooked and now do not know how I did without one.

Michael D. McQueen is a partner in Kemp Smith LP's Labor and Employment Department and offices in El Paso. He has been Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization for almost 25 years. He served as the Chair of the Labor and



Employment Law Section of the State Bar of Texas in 2002–2003, and has spoken numerous times at the State Bar of Texas Advanced Labor and

Employment Law course and on several occasions at the State Bar's Advanced Civil Trial course. He has also been a guest lecturer on employment law issues at the University of Texas at El Paso Center for Professional Development and for the UTEP Franchise Center program.

SADDLE UP

FOR ★ CLE

PARALEGAL DIVISION OF THE STATE BAR OF TEXAS ★ EST. 1981

TAPS ★ 2015

SEPTEMBER 30 TO OCTOBER 2, 2015 ★ SHERATON HOTEL ★ FORT WORTH TEXAS

Texas Advanced Paralegal Seminar (Three-day multi track CLE)

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Empowering Paralegals: Why and How to Utilize Paralegals

By Larry W. Hicks, J.D.

Introduction

A. What is a Paralegal? Simply stated, a paralegal is one who, by training and experience, can perform legal tasks that otherwise would be performed by the supervising attorney. Those tasks run the gamut from organizing documents to legal research. The American Bar Association (“ABA”) defines “paralegal” as a person qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated legal work for which a lawyer is responsible (ABA House of Delegates, 1997.) It is important to understand that the paralegal works for the supervising attorney, and not directly for the client. The paralegal does not have an attorney/client relationship with the client. The client’s fiduciary relationship is with the supervising attorney. Therefore, all work performed by the paralegal must be reviewed and approved by the supervising attorney. The scope of the paralegal’s duties are dependent upon the paralegal’s training and experience, and the approval of the supervising attorney. An experienced paralegal requires minimal supervision for many tasks. Nevertheless, the supervising attorney is ultimately responsible for the quality of the work product.

B. What is the Paralegal’s role? Paralegals

perform substantive legal work that would otherwise be done by the supervising attorney. Paralegals are not licensed to perform legal tasks for a client. Therefore, each and every task performed by the paralegal must be reviewed and approved by the supervising attorney. An appropriately trained paralegal can assist the supervising attorney to perform higher quality service to the client. The rate at which the paralegal is billed is significantly less than that of a licensed attorney, so the extent to which the paralegal can perform the legal tasks results in better value to the client. It should be much less expensive for a supervising attorney to review and edit/approve the work done by a competent paralegal than it would be if the attorney generated the work from scratch. The advantage to the employer of the paralegal is that the work can be done more efficiently, more productively, and more profitably. The attorney’s time is freed to do legal work that the paralegal cannot do. It is a win/win situation; the client receives better, faster results, and the attorney becomes more efficient, productive and profitable. Often paralegals are used for clerical tasks. This is a misuse of the talent and skill of a good paralegal. While everyone in a law office performs clerical tasks, even the senior partner, it is the most efficient use of the time of a paralegal to perform tasks that are legal in nature, things the attorney would

otherwise do, and to allow clerical personnel to do the non-legal tasks where possible. Clerical personnel are equally important to the efficient running of a law office, but for the law office to be most productive, tasks must be delegated to the appropriate member of the team. An attorney could not function without the help of a legal secretary to do scheduling, typing, filing, and the myriad other functions of an executive assistant. However, the attorney’s clients will not pay for what they consider to be “overhead.” Thus, the non-legal tasks must be separated from the legal tasks in order for the law office to be efficient and productive. The paralegal’s role is no more or less important than that of clerical staff, but proper utilization of the legal team requires that specific tasks be assigned to each member. A good law office functions like a well-oiled machine with each component performing its tasks which dovetail into the tasks of the other components.

C. What do attorneys need paralegals to do? Any task normally performed by a lawyer in a law office can be done by a properly trained paralegal. Certain tasks, such as appearance before a court or governmental entity cannot be performed by a paralegal. It is also important to realize that a paralegal cannot practice law. All states have bar-ratry laws prohibiting the unauthorized practice of law. The “practice of law” is defined by Texas statute at Section



81.101 of the Texas Government Code. The ABA Guidelines for the Utilization of Paralegal Services is an excellent source for understanding the tasks that can, and cannot be reasonably performed by a paralegal. A good rule of thumb: if it is an attorney-task that can be done effectively by a paralegal, and can readily be reviewed by a supervising attorney, it is probably appropriately done by a paralegal. The goals are to improve efficiency and effectiveness, lower client costs and improve profitability for the attorney.

Practical Applications and Examples

- A. **Conflicts of Interest.** A paralegal should be mindful of creating conflicts of interest when leaving one employer to work for another. Pursuant to Texas law, a paralegal can leave one law office and practice with another without creating a conflict for either the former employer or the new employer. However, an “ethical wall” must be put in place by the new employer to prevent the paralegal from having access to any information concerning the matters in which both employers were/are involved. Ultimately, it is the responsibility of the attorney hiring the paralegal to be sure the paralegal is sequestered from such information, but the paralegal must be careful to let the new employer know of any potential conflicts of interest so precautions can be taken.
- B. **Supervision.** The paralegal must be supervised in performing any legal function. Some attorneys may become so confident in the work quality and judgment of a paralegal that they let the paralegal function without supervision. Such attorneys do so at the peril of not only the attorney, but also of the paralegal and, most importantly, the client. The paralegal, no matter what level of experience, must insist on having all work supervised by a licensed attorney.
- C. **Timekeeping.** Many law offices will

charge clients for work done by paralegals. In those practices, it is very important that the paralegal keep very careful record of the time and the nature of the tasks performed. When the client receives a bill from the attorney, the bill should read like a book, showing all of the actions taken by the law office on behalf of the client. The paralegal’s work will be an important part of the story.

- D. **Billing.** Similar to Timekeeping, billing is an important aspect of the paralegal’s responsibility. An attorney can lose a client based upon the billing practices of a paralegal. The attorney relies on the paralegal to honestly and accurately record the nature of the tasks, and the times required to complete the tasks. While the attorney will review the billing entries of the paralegal, some may slip under-the-radar, resulting in a bill going to a client that does not accurately represent the work or the quality of the work. An effective and efficient paralegal will quickly develop the skill to accurately record tasks and times resulting in appropriate billing about which the client will not feel oppressed. Good timekeeping and billing skills can make a paralegal very valuable to the attorney.
- E. **The File—a continuum.**
 - 1. **Shifting work to paralegals.** A goal for an empowered paralegal should be to assume as much responsibility as can reasonably be assumed. The more work the paralegal can take from the attorney, the more important the paralegal becomes to the practice.
 - 2. Again, it is important to remember that certain tasks cannot legally be done by the paralegal, even if the paralegal is capable of performing the task, such as negotiating legal fees with, or giving legal opinions to the client. *See*, Guideline 2 of the ABA Model Guidelines for the Utilization of Paralegal Services.
- F. **Drafting Documents.** For years parale-

gals have been drafting documents for attorneys, going back to the days when a ‘legal secretary’ was, in fact, a combination secretary/paralegal. One of the very best ways to empower yourself as a paralegal is to learn document drafting, whether pleadings, transactions, reports, or others.

- G. **Research.** Paralegals can also empower themselves by developing the skills of research, and not only legal research. There is a good deal of legal research that one must have law school training to do. However, much of the factual research that lawyers do can be done searching by computer, telephone, courthouse records, and other data bases. Paralegals can interview clients and witnesses in order to help the attorney learn more about the matter at issue. A paralegal who can effectively research is a valuable asset to an attorney.
- H. **Fee Splitting.** A lawyer may not split legal fees with a paralegal nor pay a paralegal for the referral of legal business. A lawyer may compensate a paralegal based on the quantity and quality of the paralegal’s work and the value of that work to a law practice, but the paralegal’s compensation may not be contingent, by advance agreement, upon the outcome of a particular case or class of cases. *See*, Guideline 9, ABA Model Guidelines for Utilization of Paralegal Services.

Client Contact

- A. **What the Paralegal Can Do to Help.** A paralegal may not establish the attorney’s relationship with the client or set fees to be charged, and may not give legal advice. *See*, Guideline 3, ABA Model Guidelines for Utilization of Paralegal Services. However, a paralegal’s work product, appropriately done, will reduce the cost to the client and/or the attorney. The paralegal’s work can also multiply the client’s access to the attorney. A trusted paralegal becomes



the agent of the attorney and can gather information from the client, and can impart selected information to the client at the attorney's instruction. A good paralegal can help ensure that the client's needs are being met, even if the client is not always speaking directly to the attorney.

B. How to initiate and implement paralegal/client contact.

1. It is important to screen the paralegal from any client's interest where a conflict or potential conflict exists. *See*, ABA Informal Opinion 88-1521. Disqualification will not be imputed to the attorney so long as the paralegal is appropriately screened. *See*, Comment 4 to Rule 1.90, ABA Model Rules of Professional Conduct.
2. Whenever a paralegal is going to have direct client contact, or contact with the Court or other attorneys, the paralegal should be introduced, by name and title. When a paralegal is being introduced to non-lawyers, the status of the paralegal as a non-lawyer and the scope of the paralegal's function as a non-lawyer should be explained. *See*, Guideline 4, ABA Model Guidelines for Utilization of Paralegal Services.
3. An attorney should explain to clients the contact paralegals will have with them, again emphasizing that the paralegal is a non-lawyer and the scope of the paralegal's duties.
4. Paralegals should always clearly identify themselves as paralegals in business cards, e-mails, and correspondence of any type, whether in writing, in person or by oral communication such as by telephone. The paralegal should leave no doubt in the mind of the correspondent of the paralegal's non-lawyer status. *See*, Guideline 5, ABA Model Guidelines for Utilization of Paralegal Services. Texas law does not permit attorneys to list

paralegals on firm letterhead (Texas Disciplinary Rules of Professional Conduct; *see* Texas Ethics Opinion 436 at www.txethics.org).

How to Make Yourself More Valuable and Advance Your Career

- A. Any intelligent person with good communication (verbal and written) skills and organization skills can become a good paralegal. Be prepared to work hard. And you must be a person who cares about people.
 - B. A paralegal is a professional person. Therefore, if one is merely seeking a job with a good, steady paycheck, then perhaps being a legal professional is not for you. To be a true legal professional, one must put the interest of the client before everything else, and be prepared to do whatever is necessary, within the rules, to assist the client with the client's legal issue. Clients do not always need legal help from eight-to-five, Monday through Friday. Oftentimes being a legal professional means working late and on weekends. My paralegals have found themselves working into the wee-hours of the morning when their attorney is in trial.
 - C. Determine the appropriate functions and desired qualifications of a paralegal for the practice in which you are hired or wish to work.
 1. Familiarize yourself with the applicable law, theories and rules. While you will not be expected to be an 'expert' in the law, the better you know the law in your area of practice, the more valuable you are to your supervising attorney.
 2. A paralegal must have excellent organizational skills. If organization is not your forte, you probably are not paralegal material.
 3. A paralegal, as with any other legal professional, must be detail-minded and able to multi-task. Paralegals cannot be one-ball-jugglers.
4. A paralegal must have good verbal and written communication skills. Communication is the central skill of any legal professional.
 5. A paralegal should have a genuine interest in the application of law and empathy with clients' problems.
- D. Understand what the client matter is about. Everything you do in the matter will be influenced by how well you know the details of the issues.
- E. Train yourself to become valuable to your supervising attorney's practice.
 1. Develop the skills necessary to serve clients in the best possible manner. Those skills will result in the generation of profits for your employer, which will, by definition, make you valuable.
 2. Learn to foster cost efficiency in your practice. Again, saving money and making money for your employer will make you valuable.
 3. Assist new attorneys, paralegals and secretaries to become productive additions to the legal team. Do not think that in sharing your skills, you diminish their value. On the contrary, if you help the law office become more efficient and effective, you increase your value to the office.
 4. Help your law office to develop systems to make it more efficient, effective and productive.
 5. Develop, implement, and enforce policies to ensure that your conduct conforms to your attorney's professional obligations. *See* Rule 5.3, ABA Model Rules of Professional Conduct.
 6. Participate in appropriate continuing education and *pro bono publico* activities. *See* Guideline 10, ABA Model Guidelines for Utilization of Paralegal Services.
 7. Learn to think for your attorney. Your experience will avail you of knowledge that you can share with your supervising attorney. No good attorney will be intimidated by an



experienced paralegal's store of knowledge and experience.

8. What tasks can you assume to take them off the attorney's plate? For example, you cannot take depositions, but you can outline subjects to be covered by the attorney, and you can prepare questions/cross questions. Your attorney may use them, or not; but the fact that they are available will be of great assistance, and will make you more valuable.

F. How do you deal with opposing counsel? Most experienced paralegals will find that they must have direct contact with opposing counsel. You represent your attorney when you communicate with anyone in connection with your duties as a paralegal. Therefore, you must be familiar with, and utilize the admonitions of the Texas

Lawyers' Creed and the Texas State Bar Rules. Established November 5, 1989, The Texas Lawyer's Creed promotes professionalism and civility in the legal profession. Being a paralegal is a privilege. With this privilege comes a great amount of responsibility. The lawyer's creed sets forth a model of behavior which helps to improve the public image of the legal profession and bolsters good will among members of the bar. One of the most important components of the lawyer's creed addresses the lawyer's relationship to the client. The legal profession is a service industry. Being capable, however, is only part of the equation for success. Following the lawyer's creed is also a large part of the equation in obtaining a favorable result for a client. Paralegals can benefit from knowing and following this mandate for professionalism.



Larry W. Hicks is a shareholder of Hicks & Llamas, P.C. in El Paso. He is Board Certified in Personal Injury Trial Law. He is a Charter Member of

the Legal Assistant Advisory Commission of the Texas Board of Legal Specialization. He served as Director of District 17 of the State Bar of Texas as well as Director of the Texas Young Lawyers' Association and El Paso Bar Association. He has served as Chairman and is a member of the Litigation Section of the State Bar, and has taught food and drug law at Texas Tech.

ANNUAL MEETING PARALEGAL DIVISION

State Bar of Texas
Friday, June 19, 2015
San Antonio, TX

Luncheon Keynote Speaker
11:30 am – 1:30 pm
Current Trends in Immigration
Jonathan Ryan, Executive Director
RAICES (raices.org)

8:30 am – 11:00 am [2 hours CLE]

► Reagan M. Marble, Cox Smith

An Oil and Gas Primer: Fundamentals, Fracking, and Recent Litigation Trends

► George G. Brin, Brin & Brin
Mediation

Online registration beginning May 1, 2015 by credit card, check, or money order @ www.txpd.org



Congratulations to the following members of the Paralegal Division who recently passed the Texas Board Legal Specialization certification examination.

TBLS BOARD CERTIFIED PARALEGALS

Bankruptcy Law

Cindy Enloe, TBLS-BCP, San Antonio

Criminal Law

Carrie R. Hall, TBLS-BCP, Tyler

Civil Trial Law

Christina C. Ladyman, TBLS-BCP, Houston

Edna W. Garza, TBLS-BCP, McAllen
Randi D. Carlisle, TBLS-BCP, League City
Diana E. Delk, TBLS-BCP, Georgetown
Sharron Prescott, TBLS-BCP, Houston
Stephanie M. Rodriguez, TBLS-BCP, Houston
Alysa Sarai Baker, TBLS-BCP, Austin

Estate Planning and Probate Law

Deborah L. Pederson, TBLS-BCP, Austin
Lynette H. Dahmann, TBLS-BCP, Brenham

Family Law

Ruth Casey Overton, TBLS-BCP, Austin
Stacy Brevard, TBLS-BCP, Cypress
Aaron Christopher Wise, TBLS-BCP, Austin

Andrea R. Gulley, TBLS-BCP, Austin
Christina Garza, TBLS-BCP, Houston
Andrea Johnson, TBLS-BCP, Round Rock
Natalie Harris, TBLS-BCP, Austin
Diana McGrath, TBLS-BCP, Conroe
Frankie DeWitte, TBLS-BCP, Houston
Paula Michelle Israel, TBLS-BCP, Round Rock
Julia Rapp, TBLS-BCP, Round Rock
Paula Spears, TBLS-BCP, Austin

Personal Injury Trial Law

Michelle Pierce, TBLS-BCP, Austin
Anna Lorilyn Huckaby, TBLS-BCP, Beaumont
Emily H. Gatlin, TBLS-BCP, Austin

Congratulations to the following members of the Paralegal Division who recently passed the Certified Paralegal examination administered by the NALA—the Association of Legal Assistants—Paralegals.

Advanced Certified Paralegal (ACP) Credential

Angela J. Easton, ACP, Contracts Administration/Contracts Management, Dallas
Rochelle M. Pleasant, ACP, Contracts Administration/Contracts Management, Houston
Carman J. Cook, ACP, Trademarks and Business Organizations: Incorporated Entities, Houston
Randi D. Carlisle, ACP, Trial Practice, Houston
Irene Tong, ACP, Trial Practice, Austin
Alysa S. Baker, ACP, Trial Practice, Austin

Certified Paralegals (CP) Credential

Chris Hemingson, CP, Austin
Alayna M. Reece, CP, Tyler
Kristi Von Heimburg, CP, Lufkin

Congratulations to the following members of the Paralegal Division who recently passed the Paralegal Advanced Competency Examination (PACE) administered by the National Federation of Paralegal Associations.

Danna G. Henderson, RP, LaPorte

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Ethics of Attorney Approval of Documents for E-Filing

Ellen Lockwood, ACP, RP

E-filing is a convenience for law firms and the courts. While many of us are relieved there is no more need to rush to get a pleading delivered to the courthouse by 5 p.m., there are ethical issues to be considered. Among those issues is the process of having the attorney approve documents before they are filed.

Non-attorney staff members, including paralegals, are permitted to file documents electronically with the courts. However, it is also important the document being filed has been reviewed and approved for filing by an attorney. When we were required to file hard copies of documents, attorneys signed the document which also was an indication the attorney had reviewed the document, or should have read it. With electronic copies of documents, it can be more challenging to confirm the attorney has reviewed the pleading and to document the attorney's approval.

It may not be sufficient to send a pleading to the attorney an attachment to an email and have the attorney respond via email confirming the document is approved for filing. Even if the emails are saved, it may be difficult to prove which version of a document was attached and if the attorney intended to approve that document or a previous or subsequent version that was also attached to an email. A verbal approval or an approval on a sticky note would also be difficult to verify later if a question arose as to whether the



pleading was approved prior to filing.

Every office should have a procedure for approvals of documents prior to filing. To be effective, the system must be followed each time, perhaps including a method for notating which paralegal or staff member filed the document.

The best way to confirm the attorney's intention to approve a particular version of a document for filing is to have the attorney sign a hard copy of the pleading. The executed copy is then retained either in hard copy or a scanned copy of the signed hard copy. If the client must approve a document before it is filed, it is safest to have the client sign a hard copy and mail or email the document back to the firm.

While there is no rule requiring the

attorney to sign a hard copy and for the signed copy to be maintained by the firm, doing so is not only the best way to verify approval of the document to be filed, it also protects everyone, including paralegals, from misunderstandings and miscommunications. Although occasional errors and mistakes may still occur, as they did when filing hard copies of documents, having a clear procedure will reduce the number of errors and permit analysis to determine why a particular error occurred.

When carrying out an attorney's instructions, whether e-filing documents or other duties, it is incumbent upon the paralegal to make every effort to avoid any questions regarding the attorney's intent.



Ellen Lockwood, ACP, RP, is the Chair of the Professional Ethics Committee of the Paralegal

Division and a past president of the Division. She is a frequent speaker on paralegal ethics and intellectual property and the lead author of the Division's Paralegal Ethics Handbook published by West Legalworks. You may follow her at www.twitter.com/paralegaethics. She may be contacted at ethics@txpd.org.

Paralegal Division Announces 2015–2016 President-Elect

Megan Goor, TBLS-BCP Fort Worth, TX

On January 30, 2015, the Board of Directors elected Megan Goor, TBLS-BCP, as the 2015–2016 President-Elect of the Paralegal Division. Megan is the Senior Paralegal and Office Manager of The Brender Law Firm, located in the medical district of Fort Worth. She has worked for Art Brender since 1983, after starting her career in the legal field as a legal secretary in 1982 for another law firm. Megan graduated from Southwest High School in 1983 and while working for Art Brender, obtained her B.A. from the University of Texas at Arlington. Megan's experience at The Brender Law Firm includes handling personal injury, product liability, insurance bad faith, criminal, civil rights, probate, medical negligence, mass torts, class actions, sexual harassment, and employment discrimination cases from intake through trial and appellate litigation. Megan is a board certified paralegal in Personal Injury Trial Law by



the Texas Board of Legal Specialization (2008). Megan was elected as the Paralegal Division Director of the State Bar of Texas for District 3 in 2013 after her appointment in November 2012. Megan also currently serves as Parliamentarian (2014–2015). She

is also serving as the Board Advisor for the PD's Pro Bono Committee and Liaison to the Texas Young Lawyers Association. She is a former Board Advisor-Annual Committee; former Board Advisor-Vendor Liaison; and former Liaison-ABA. Megan currently serves as the Fort Worth Paralegal Association's Professional Development Chair and Liaison to the PD. Megan was recently awarded the Fort Worth Paralegal Association's Paralegal of the Year 2014 Award. **Professional affiliations:** Active Member of the Paralegal Division of the State Bar of Texas, Active Member of the Fort Worth Paralegal Association; member of The College of the State Bar of Texas; Paralegal Affiliate Member of AAJ; and an Associate Member of the Tarrant County Bar Association. **Other background:** Served as Advancement Chair and Committee Member of Boy Scouts of America, Cub Scouts, Pack 9 (2008–2013), and as Committee Member on the Vision Committee 2013 of St. Paul Lutheran Church.

Texas Local Associations Honor Paralegal Division Members

Alamo Area Paralegal Association (AAPA), South Texas Organization of Paralegals (STOP) and District 5-Paralegal Division jointly presented 2014 Paralegal of the Year Award



Sharon Veters

Sharron Veters received the 2014 Paralegal of the Year Award presented (jointly) by the Paralegal Division (PD)—District 5, the South Texas Organization of Paralegals (STOP), and the Alamo Area Paralegal Association (AAPA). Sharron has been employed by the law firm of West & West Attorneys in San Antonio for 48 years, and is a member of the Paralegal Division of the State Bar

of Texas and South Texas Organization of Paralegals, having been named their 2014 Paralegal of the Year. She has served as Chairman of the Helotes P.R.C.A. Rodeo for 20 years and is also a Director Emeritus of the San Antonio Livestock Exposition where she volunteers her time raising funds for area non-profit organizations and scholarships for youth. She and her husband, retired San Antonio Firefighter Dick Veters, reside in Helotes, and have two children and two grandchildren.

Capital Area Paralegal Association (CAPA) Paralegal of the Year Award

Melissa Tucker, TBLS-BCP, was awarded the 2014 Paralegal of the Year Award by the Capital Area Paralegal Association (CAPA). Melissa Tucker was born in Washington DC and grew up in Montgomery County, MD. She obtained her BA in International Studies from Frostburg State University in Maryland, a semester of which was spent at Mary Immaculate



Melissa Tucker

College in Limerick, Ireland. Melissa worked on Capitol Hill for the U.S. Public Interest Research Group during and after college and then moved to Austin in 1991. Her first legal job was as a litigation file clerk at Akin, Gump, Strauss, Hauer & Feld. Melissa obtained her paralegal certificate in 1995 from the University of Texas at Austin and her board certification in civil trial law from the Texas Board of Legal Specialization in 2000. Melissa is currently paralegal to David Chamberlain at Chamberlain McHaney, working in insurance defense.

Capital Area Paralegal Association (CAPA) Pro Bono Award



Kristina Kennedy

Kristina Kennedy, TBLS-BCP, ACP, was awarded the 2014 Pro Bono Award by the Capital Area Paralegal Association (CAPA). Kristina has been a member of the Paralegal Division of the State Bar of Texas since 1995. She works for Robert E. Raesz, Jr., in the practice area of family law. She earned her Associates Degree—Legal Assistant from Austin Community College and went on to graduate with a Bachelor of Journalism and Bachelor of Arts from the University of Texas at Austin. Additionally, she completed one year of law school at St. Mary's University School of Law in San Antonio but returned to her paralegal career in 2002.

Kristina earned her Advanced Certified Paralegal credentials through NALA, a national association for legal assistants and paralegals, and is board certified in family law and civil trial law through the Texas Board of Legal Specialization. She is a member of The Texas Academy of Family Law Specialists, the Texas Family Law Foundation, the College of the State Bar of Texas, and the Capital Area Paralegal Association (CAPA). She has served the paralegal profession in several capacities through the Paralegal Division as well as CAPA. Kristina was awarded the 2011 Paralegal of the Year Award and the 2014 Pro Bono Award by CAPA.

Kristina enjoys photography, reading, writing, and spending time with her daughter and son. She also volunteers as a CASA (Court Appointed Special Advocate) in Travis County and as a photographer for Austin Smiles on their medical mission trips to other countries.

Capital Area Paralegal Association (CAPA) Volunteer Award



Stephanie Sterling

Stephanie Sterling was presented with the Capital Area Paralegal Association (CAPA)'s Volunteer of the Year Award for 2013–2014. President Alex May, on behalf of himself, CAPA's Board of Directors, and all members of CAPA, extended this dedication to Stephanie for her service as President during 2013–2014.

Stephanie's attention to detail, timely discharge of duties, and her overall

commitment and dedication to excellence provided an exemplary model for us to follow. For all of the hours she spent reviewing the reports of Board members and Chairs, preparing agendas for Board meetings, and presiding over the flawless meetings with wisdom and consideration, we thank her. For all of the hours she spent preparing for, presiding over, and attending our monthly luncheon meetings, which were conducted flawlessly and professionally, we thank her. For all of the hours she spent communicating with the Board members and Chairs about their duties, and making sure they performed those duties to the best of their abilities, we thank her. We especially thank her for presiding over CAPA's amazing, unforgettable, and beautiful 35th Anniversary Celebration party!

For all of the hours she spent preparing for and representing CAPA, and Austin's paralegal community in general, through various speaking engagements and appearances at schools and other settings, and before the state-wide community of paralegal leaders at TAPA, we thank her. Stephanie spent hundreds of hours taking care of CAPA last year alone! And she ran for and won election as Paralegal Division's District 4 Director!! All this while, being a great mother and wife, and yes, a great paralegal who took two cases to trial on back to back weeks! She is, indeed, a superwoman. In conclusion, we THANK YOU for your gift of time, which you gave abundantly to CAPA—a gift for which we are grateful!

Stephanie earned her Associate of Applied Science Degree in Paralegal Studies from Lamar University and went on to graduate with a Bachelor's of Science Degree in History from West Texas A&M University. She is with the law firm of DuBois, Bryant & Campbell, LLP, in Austin in the practice area of civil litigation handling complex commercial litigation matters. Stephanie is a seasoned litigation paralegal with over 16 years of experience.

Stephanie currently serves CAPA as Immediate Past President and Public Relations Chair. She has served CAPA in many roles over the years, including President, President-Elect, Sustaining Member Liaison, Team Leader for 2 sub-committees on the 35th Anniversary Planning Committee, Ethics Chair, NALA Liaison, TAPA Liaison, Public Relations Liaison, Paralegal of the

Year Award Chair and Pro Bono Services Award Chair. She was elected in 2014 as District 4 Director of the Paralegal Division of the State Bar of Texas and will serve in that capacity until 2016. Additionally, Stephanie has served the Paralegal Division is several other roles over the years such as Marketing Chair on the TAPS 2014 Planning Committee, Public Relations and Pro Bono Committee Sub-Chairs for District 4 from 2009-2013. She is also a member of NALA and The College of the State Bar of Texas.

Stephanie was CAPA's 2013 Paralegal of the Year and 2010-2011 Volunteer of the Year. She was also presented with the NALA Affiliates Award in 2013 for her contribution and dedication to the advancement of the paralegal profession.

Dallas Area Paralegal Association (DAPA) 2014 Pro Bono Award Recipient: Angela Wilson

The Pro Bono Service Award is presented to a paralegal that has shown exceptional character and has volunteered his or her time in pro bono work. Angela volunteered over 100 hours of combined Pro Bono and Community Service time. She worked with Legal Aid of Northwest Texas at both Dallas and Arlington clinics, and also mentored students who participated with her at the clinics. In addition to Pro Bono, Angela spent many hours at the Stewpot serving meals to the homeless and working at the UTA Community Garden and the North Texas Food Bank.

Angela has over 20 years of experience as a paralegal, has been a member of DAPA since 2006. She has served on DAPA's Board of Directors for many years as Secretary. Angela received a bachelor's degree from UT Arlington and a paralegal certificate at Heald Business College in San Francisco, California.

Angela leaves a lasting impression on those she serves and she is the very definition of pro bono and community service. *The award was sponsored by Courtroom Sciences, Inc.*

Dallas Area Paralegal Association (DAPA) Paralegal of the Year Award—Lisa Lynch, CRP™



Lisa Lynch

This Award began in 1993 to recognize a DAPA member who has demonstrated outstanding skills and involvement in professional paralegal organizations, as well as experience on a level that has warranted special recognition. Nominations are reviewed by judges and based on written submission, absent the names of the nominees.

Lisa has over 15 years of work experience and currently is employed as a paralegal

in the City of Dallas City Attorney's office, where she has already had an impact and is a valued member of the General Litigation Section of the Dallas City Attorney's Office. She previously worked at the law firm of Locke Lord.

Lisa obtained a paralegal certificate in 1993 from Professional Development Institute at UNT and passed the PCCE pilot exam in June of 2011, earning a Core Registered Paralegal (CRP2) credential.

Lisa was described in her nomination as "a career paralegal that has a passion for this profession and is dedicated to making the profession better by tirelessly pursuing excellence in all areas."

Lisa served as DAPA's President in 2014 and is currently the NFPA Primary Representative. While President, Lisa made Pro Bono and Community Service the focus of her year in leadership.

Lisa has been a member of DAPA since 2004, and has served DAPA and NFPA in many capacities including President, NFPA Primary, NFPA Secondary, Vendor Advisor and on numerous committees of DAPA. She was also a member of the Paralegal Division of the State Bar of Texas and Women in E-Discovery. *The award was sponsored by iDocket.com*

Dallas Area Paralegal Association (DAPA) "Michele M. Boerder Lifetime Achievement Award"—Cynthia Minchillo, RP®



Cynthia Minchillo

While not an annual award, in 2014, the DAPA Board named Cynthia Minchillo, RP® the recipient of this special award and it was announced at the 2014 December Holiday and Awards luncheon.

The purpose of the "Michele M. Boerder Lifetime Achievement Award" is to recognize continued, long-standing service to DAPA and contributions to the overall

paralegal profession. The Award was inspired by the legacy of Michele M. Boerder, CP, TBLS and is modeled after NFPA's Robie Award established in 1993 to honor the memory of the late Chief Immigration Judge William R. Robie and his dedication to equal access to justice and his commitment to the paralegal profession. The recipient of the Lifetime Achievement Award must have made a lasting legacy through his/her contributions to DAPA, the community and the paralegal profession, among other criteria.

Cynthia began her paralegal career in Dallas 1988. She graduated from the University of Texas at Dallas in 2000 with a Bachelor of Arts degree, *cum laude*, in Government and Politics. In 2003, she graduated with a Master's Degree in Public Affairs from the University of Texas at Dallas. She received her paralegal certificate from VTI Institute for Paralegal Studies in 1988.

Cynthia has been a member of DAPA since 1996 and served as President of DAPA as well as other positions during the span of 1996 through 2008. In 1997 she was recognized with DAPA's "Paralegal of the Year" award. She was NFPA's representative to the ABA's Approval Commission (ABA Standing Committee on Paralegals) for two years and continues to do site visits for the

ABA. Cynthia was the chairperson of NFPA's 40th Anniversary and Convention Meeting held in Dallas and hosted by DAPA in October 2014.

In 1996, Cynthia became a Board Certified Paralegal in Personal Injury Trial Law by the Texas Board of Legal Specialization. In 1997 she followed this achievement by earning her RP designation from NFPA.

She is currently a senior paralegal with the law firm of Chalker Flores, LLP in Dallas as well as an Instructor in the paralegal program at El Centro College. Cynthia previously taught in the Paralegal Program at Collin College. *The award was sponsored by HC Legal Search*

Note: During the 2014 National Federation of Paralegal Associations meeting (and 40th Anniversary) held in Dallas in October 2014, DAPA received the 2014 NFPA Association Pro Bono Award, and DAPA member Risa Burgess received the 2014 NFPA Individual Pro Bono Award. Cynthia Minchillo was awarded Outstanding Local Leader 2014.

El Paso Paralegal Association (EPPA) Presented Olga Burkett the 2014 Paralegal of the Year Award



Olga Burkett

Olga L. Burkett, CP, was the Outstanding Paralegal for 2014 by the El Paso Paralegal Association (EPPA) at its Annual Attorney-Paralegal Luncheon in December 2014. Olga is quoted, *"I was very humbled to be given this recognition by my paralegal peers. It has been a very gratifying experience, and I strive to continue to make an impact on my given profession."*

Olga is a senior paralegal with the law firm of Mounce, Green, Myers, Safi, Paxson & Galatzan [www.mgmsg.com]. Olga has over 30 years' experience in the legal field with emphasis in personal injury litigation, civil litigation, medical malpractice, labor and employment and insurance defense. Olga handles all aspects of cases for three senior shareholders of the firm to include client contact through trial preparation.

Olga received her Associates of Applied Sciences from El Paso Community College in 1997 for Paralegal Studies, her Bachelors of Science in Business Management (with Honors) from the University of Phoenix in 2010 and her Masters of Business Administration from the University of Phoenix in 2012. Olga prepared and presented weekly PowerPoint presentations for both bachelors and masters programs.

Olga is a member and President-Elect for the El Paso Paralegal Association and former VP of Membership for the El Paso Paralegal Association [www.elppa.com]. She served as District 16's Sub-chair of the Membership Committee of the Paralegal Division of the State Bar of Texas for 2013–2014 and is the current District

16 Director for the Paralegal Division of the State Bar of Texas [www.txpd.org]. Olga was the recipient of a scholarship awarded by the Paralegal Division of the State Bar of Texas for attendance to TAPS in 2014. She serves as a board member of the El Paso Community College Paralegal Program Advisory Committee. Olga is a member of Delta Mu Delta, an honor society with the University of Phoenix, an active member of NALA, active member with the College of the State Bar of Texas, and an incoming member of the Junior League of El Paso.

Olga has two sons, three beautiful grandchildren and two adorable Golden Retrievers. She has been a marathon runner, an aerobics instructor, and is an avid golfer with the company of her husband, Jim. Olga is passionate about her family and about giving back to her community as well as involvement with her church.

Fort Worth Paralegal Association (FWPA) Presented Megan Goor the 2014 Paralegal of the Year Award



Megan Goor

Megan Goor, TBLS-BCP, was presented the Fort Worth Paralegal Association's Paralegal of the Year for 2014. Megan is the Senior Paralegal and Office Manager at The Brender Law Firm, located in the medical district of Fort Worth. She has been employed with Art Brender since 1983, after starting her career in the legal field as a legal secretary in 1982 for another law firm.

Art Brender said, "Megan Goor's knowledge of the law and awareness of the needs of clients, some stressed and upset over his or her legal predicament, has always been an outstanding asset to her office. She is the complete professional in all of her dealings with attorneys, paralegals, other support staff, adjusters, witnesses, and expert witnesses."

"In forty years of practicing law, I have been in contact with a good number of professional paralegals in this county and many others and as good as they are, I cannot think of one that would classify as better than Megan Goor. No matter whether we are trying to schedule depositions, hearings, trials, or telephone conferences, Megan is always available and knowledgeable of the issues needing to be addressed. Working with a busy attorney makes scheduling difficult in the best of times, but I have never felt that Megan ignored my calls and she has always been knowledgeable of the situation. Megan is always willing to work around schedules and do whatever is necessary to get the job done," Mr. Brender wrote.

Megan is a board certified paralegal by the Texas Board of Legal Specialization (TBLS) and has served the legal community for many years along with holding several leadership positions on both the local and state level. In addition to the legal community,

this Nominee has served as a Chair and Committee member for the Boy Scouts of America, Cub Scouts for five years and is also a committee member at her church.

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Fort Worth Paralegal Association (FWPA) Presented Jessica Acosta the 2014 Volunteer of the Year Award

Jessica Acosta was presented the 2014 Volunteer of the Year Award by the Fort Worth Paralegal Association (FWPA). A portion of FWPA's mission states "... to promote the advancement of high standards of integrity and professionalism for paralegals to the end that both the public and the legal profession are better served." Since its inception in 1982, FWPA has served Tarrant and surrounding counties via donations of time, talent, and monies

During 2014, FWPA volunteered for Main Street Arts Festival, National Adoption Day, and Mission Arlington's Christmas Store and collected pop tabs for Ronald McDonald House, dry goods for Tarrant County Food Bank, school supplies for Mission Arlington, stuffed animals for National Adoption Day, and duffle bags for Child Protective Services.

Thank you to all our FWPA members who volunteered at our community service events and participated with the community service collections. FWPA could not have made such a positive impact on our Tarrant County community without each of you.

A very special thank you and congratulations goes out to Jessica Acosta, our 2014 Volunteer of the Year!!

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Star Moore Recognized By Tarrant County Bar Foundation as Volunteer Paralegal of the Year



Philip Vickers, Tarrant County Bar Association —TVAS Chair, with Starlene Moore

Star became a NALA Certified Paralegal in 1991. Star is a long time member of the Fort Worth Paralegal Association and the Paralegal Division of the State Bar of Texas.

Star has also held numerous board and chair positions for both the Paralegal Division of the State Bar of Texas and The Fort Worth Paralegal Association, including FWPA President in 1993,

2002 and 2013. Star was also FWPA's Paralegal of the Year in 1994 and FWPA's Volunteer of the Year in 2011.

Southeast Texas Association of Paralegals (SETAP) 2014 Paralegal of the Year Award



Jackie Chavez

Jackie Chavez, TBLS-BCP, received the Southeast Texas Association of Paralegal's (SETAP) 2014 Paralegal of the Year Award. Jackie was in the first group to attain a paralegal board certification by the Texas Board of Legal Specialization (TBLS) in 1994 and was recognized as a TBLS charter member at the 2014 Texas Advanced Paralegal Seminar (TAPS).

Jackie has been employed by Strong Pipkin Bissell & Ledyard, LLP, since 1992. Jackie currently

serves the Paralegal Division (PD) as membership committee sub-chair for District 10. In addition, she has been an active member of SETAP since 1985. She volunteers with the Jefferson County Bar Association's Veterans Legal Advice Clinics, the Evelyn M. Lord Teen Court Program, the Beaumont Independent School District Mentor Program, the Hospitality Center in Port Arthur, and the Humane Society of Southeast Texas.

West Texas Paralegal Association (WTPA) named Mary Helen Valdez 2014 Paralegal of the Year

Mary Helen was presented with the Paralegal of the Year Award on October 23, 2014. Helen was a foundational member of WTPA for almost 30 years. She became a Life Member in 2013. She served as Second Vice-President in 1990, 2010 and 2012, and also served on numerous committees. Mary Helen worked for prominent attorneys in Lubbock, including Buddy Maner, Johnny Splawn, and Jim Killion. She first started working for Maner and Splawn in 1969 as a legal secretary, but after a few years, Mr. Maner promoted her to the position of legal assistant.

Sadly, Mary Helen passed away on February 14, 2015. In her obituary, her family shared how important her profession was to her by stating: "Mary was a 35 year legal professional with many designations such as the President of the West Texas Paralegals Association and the 2014 West Texas Paralegal of the Year."

Mary Helen epitomized the paralegal profession and actively promoted the profession. It is because of this that she was unanimously voted as the 2014 recipient of the Paralegal of the Year Award. We wholly believe that Mary Helen was very deserving of this award for her many years of support and participation in the WTPA and in the paralegal profession. She was a great friend and colleague to many paralegals in the Lubbock community and will be dearly missed.

2015-2016 MEMBERSHIP RENEWALS ANNOUNCEMENT

The 2015-2016 membership renewal forms will be mailed to the current 2014-2015 members (**members with expiration date of May 31, 2015**) of the Paralegal Division the week of April 6, 2015. Membership renewal payments **postmarked on or after July 2 requires a \$25 late fee** in addition to the normal dues payment; any renewal **postmarked on or after July 31** will be returned to you and not processed. **No exceptions for these deadline dates.** Members who have a membership expiration date of May 31, 2016 will not receive a membership renewal notice.

All **ACTIVE** and **ASSOCIATE** members must obtain at least 6 hours of CLE [2 hours can be self-study] by May 31 (between June 1, 2014 and May 31, 2015) to renew membership in the Paralegal Division for 2015-2016. If you are working as a paralegal and currently an Active or Associate member, the CLE requirement is mandatory to continue membership in the Paralegal Division. CLE Requirement for Active and Associate Members can be found at www.txpd.org under **CLE/Event Tab** – CLE Requirements.

District Director Vote beginning March 24!

The Paralegal Division's **Director Election** for odd-numbered districts (Districts 1, 3, 5, 7, 11, and 15) will take place **March 24 through April 8, 2015**. There will be two (2) Directors elected from District 1 and one (1) from each of the remaining Districts.

All Active members in odd-numbered districts in good standing as of March 24, 2015 are eligible to vote. **All voting must be completed on or before 11:59 p.m., April 8, 2015.** All voting will be online and no ballots will be mailed to members.

Please take a few minutes to logon to the PD's website and cast your vote for your District's Director. The process is fast, easy, anonymous, and secure.

- ▶ Between **March 24th and April 8, 2015** go to www.txpd.org
- ▶ In the Member-Only section, click on "Vote"
- ▶ Follow the instructions to login and vote

NALA Honors PD Member



Alex May

Each year, NALA, the Association for Legal Assistants—Paralegals, honors members of affiliated associations who have been recognized by their own affiliated associations as important contributors to the goals and success of the association and the paralegal profession. Last year, on July 24, 2014, Alexander (“Alex”) May was the recipient of one of NALA’s 2014 Affiliate Awards.

The award recognizes the individual for outstanding contribution and dedication to the advancement of the paralegal profession through volunteer service to NALA affiliated associations. He was nominated for his contributions by the Capital Area Paralegal Association (“CAPA”) in Austin, where he has been a member since 1991.

Before being nominated and elected as 2013–2014 President-

Elect at CAPA, Alex served as Editor of the monthly newsletter, The Brief. In addition to Alex’s duties as President-Elect and NALA Liaison at that time, he drafted a new brochure for CAPA, prepared a CAPA salary survey, made several presentations at area paralegal schools and had the idea to start video recording the President’s messages as well as other informative videos about CAPA and the benefits of membership. On his own initiative, Alex set up a CAPA YouTube channel to post CAPA’s videos and has helped to increase CAPA’s social media presence. Alex attended the 2014 Texas Alliance of Paralegal Associations (TAPA) Leadership Conference in Irving, Texas in April taking advantage of the networking and learning opportunities to better lead CAPA for the 2014–2015 year. Additionally, Alex attended the NALA Convention in Charleston, South Carolina in July 2014 to represent CAPA. Alex was sworn in as CAPA’s President effective July 1, 2014. Since then, he has promoted certification through NALA or the Texas Board of Legal Specialization as the theme of his presidency. CAPA is proud to have Alex as an active volunteer and board member.

Texas Paralegal Re-Elected Director, Region II For The National Federation Of Paralegal Associations (NFPA™)



Allen Mihecoby

The National Federation of Paralegal Associations, Inc. (NFPA) is pleased to announce that Allen Mihecoby, CLAS, RP®, of Dallas, TX has been re-elected to the position of Director, Region II for the 2014–2015 term. The Region Directors are responsible for the “humanization of NFPA” to local associations, and are the main liaison between member associations and other Board members.

Allen Mihecoby, CLAS, RP®, is currently employed as a Senior Paralegal at Kimberly-Clark. In this role, he is responsible for supporting the Company’s efforts in SEC Reporting, Corporate Governance, Strategic Transactions and Compliance. He was previously employed in the position of Manager, Law Department, for the second largest railroad in the U.S. He has primarily worked with international firms and multinational corporations in various areas of law, including IP, corporate, securities, real estate and commercial litigation.

He received his BA in Political Science from the University of Texas–Arlington, *magna cum laude*, with a concentration in International Affairs and Pre-Law. In 1997 he graduated with an ABA-approved paralegal certificate from Southeastern Paralegal Institute in Dallas, Texas. He became a PACE Registered Paralegal

in 2002; and earned the CLAS credential (Business & Corporate Law) in 2005.

Allen has served the paralegal profession on national, state, and local levels. He is a member of the Dallas Area Paralegal Association (DAPA), the Texas Center for Legal Ethics (TCLE), the Paralegal Division of the State Bar of Texas (PD), a charter member of the State Bar College (SBC) and member of the American Association for Paralegal Education (AAfPE). In several of these organizations, Allen has served in leadership positions, including: NFPA CLE Co-Coordinator and Assistant Pro Bono Coordinator; DAPA President, VP of Programs, Board Advisor and Ethics Chair; PD Executive Committee as Parliamentarian and District 3 Director; and MACP Co-Chair/Ethics/Professional Development.

In 2004, Legal Assistant Today named Allen as one of the runners-up in its Paralegal of the Year Contest. The same year, NFPA and Dyncorp awarded him the Outstanding Local Leader award. He was named 2009 Fort Worth Paralegal Association’s Paralegal of the Year. ParalegalGateway.com named Allen as one of its 2011 Paralegal Superstars, DAPA awarded him the 2011 Pro Bono award and the Michele Boerder Lifetime Achievement award in 2013.

NFPA is a non-profit professional organization representing more than 8,000 paralegals and is headquartered in Edmonds, WA. NFPA’s core purpose is the advancement of the paralegal profession. NFPA promotes a global presence for the paralegal profession and leadership in the legal community.

NFPA, NFPA—The Leader of the Paralegal Profession, PACE and RP are registered trademarks of the National Federation of Paralegal Associations, Inc.

Paralegal Division 2014–2015 Board of Directors

On behalf of the Paralegal Division, thank you to each Director who has served on the 2014-2015 Board of Directors. The Directors meet three times a year to perform business related duties for the Paralegal Division.

Clara Buckland, C.P., President (El Paso)
Erica Anderson, ACP, President Elect (Amarillo)
Christine Cook, District 1 Director (Houston)
Jay M. Williams, TBLS-BCP, District 2 Director (Dallas)
Megan Goor, TBLS-BCP, District 3 Director & Parliamentarian
(Ft. Worth)
Stephanie Sterling, District 4 Director (Austin)
Allison Seifert, District 5 Director (San Antonio)
Georgia Seeley, ACP, District 6 Director (Lubbock)

Marsha Smith, CP, District 7 Director (Amarillo)
Lori Wilkinson, PLS, District 8 Director (Corpus Christi)
Sharon Wornick, CP, District 10 Director (Silsbee)
Janet McDaniel, CP, District 11 Director (Midland)
Michelle Beecher, District 12 Director & Secretary (Denton)
Mona Hart Tucker, ACP, District 14 Director & Treasurer
(Daingerfield)
Martha Ramirez, TBLS-BCP, District 15 Director (McAllen)
Olga Burkett, District 16 Director (El Paso)

Paralegal Division 2014–2015 Ambassadors

As a benefit to the paralegal profession, the Paralegal Division (PD) offers paralegal associations, bar associations and paralegal programs an experienced CLE speaker through its Ambassador Program. The Ambassador Program of the Paralegal Division is made up of past presidents of the Paralegal Division with over 20 years of paralegal experience. Ambassadors are prepared to speak on a variety of topics. They will travel across Texas to present CLE to paralegals (both members and non-members) and distribute information on the Paralegal Division and its many member benefits. These Ambassadors spend many hours preparing, presenting and traveling for the Paralegal Division. The Board of Directors would like to extend its sincere gratitude to each person listed below who is a PD Ambassador. Not only are these Ambassadors past presidents of the Paralegal Division, but they all continue today to lead its cause.

Ambassador presentations are requested through a website link on the Paralegal Division's website at www.txpd.org (PD Speakers/Request a Speaker). Please take a moment to get to know the PD Ambassadors by viewing their photos and bios under **[txpd.org/PD](http://www.txpd.org/PD)** **Speakers/Ambassadors**.

Thank You!

Michele Boerder, CP, TBLS-BCP
Dallas, TX

Ellen Lockwood, ACP, RP®
San Antonio, TX

Rhonda Brashears, CP, TBLS-BCP
Amarillo, TX

Cindy Mankus, TBLS-BCP
Plano, TX

Debra Crosby
Austin, TX

Debbie Oaks McBride
Dallas, TX

Joncilee Davis, ACP
Dallas, TX

Wendi Rogers, CP, TBLS-BCP
Dallas, TX

Misti Janes, TBLS-BCP
Austin, TX

Lisa Sprinkle, ACP, TBLS-BCP
El Paso, TX

Patricia Giuliano
San Antonio, TX

Susan Wilen, RN
San Antonio, TX

Javan Johnson, ACP, TBLS-BCP
Longview, TX

Paralegal Division

2014–2015 Committee Chairpersons

The Paralegal Division is grateful to all of its Committee Chairs listed below who take time from their busy schedules to lead a committee for this organization. Without the work of the Committee Chairs and their volunteer members, the Paralegal Division would not be able to offer the many benefits to its members.

Thanks to all of you!

Standing Committees

2014 Annual Meeting

Julie Sherman, TBLS-BCP, Chair (Fort Worth)

2015 Annual Meeting

Ellen Lockwood, ACP, RP®, Chair (San Antonio)

Continuing Education—District CLE

Sheila Milbrandt, CP, Chair (Beaumont)

Online CLE/Webinars

Rhonda Brashears, CP, TBLS-BCP, Chair (Amarillo)

Elections

Shandi Howard, CP, Chair (Amarillo)

Membership

Tonya Brothers, Chair (Houston)

Professional Development

Deborah Andreacchi, TBLS-BCP, Chair (Dallas)

Professional Ethics

Ellen Lockwood, ACP, RP®, Chair (San Antonio)

Publications

Heidi Beginski, TBLS-BCP, Chair (El Paso)

Public Relations

Joncilee Davis, ACP (Dallas)

Ad Hoc Committees

Ambassador Program

Patricia J. Giuliano, Chair (San Antonio)

E-Group Policy

Heidi Beginski, TBLS-BCP, Chair (El Paso)

e-Newsletter [Paralegal Pulse]

Gabriela (Gabby) Warner, Co-Chair (Spring)

Sheila Posey, TBLS-BCP, Co-Chair (Conroe)

Ethics Handbook

Ellen Lockwood, ACP, RP, Chair (San Antonio)

Leadership Development

Michele Boerder, CP, TBLS-BCP (Dallas)

MCLE Speaker Credit

Clara Buckland, C.P., Chair (El Paso)

Membership Renewals – Spot Audit

Lori Winter, CP, Chair (Dallas)

Pro Bono

Constance Nims, Chair (Sherman)

State Bar College Membership

Application Review

Michele Flowers Brooks, CP, Chair (Austin)

TAPS 2014 Planning Committee

Misti Janes, TBLS-BCP, Chair (Austin)

TAPS 2015 Planning Committee

Clara Buckland, C.P., Chair (El Paso)

Texas Board of Legal Specialization (TBLS) Examination—

Helpful Hints

Javan Johnson, ACP, TBLS-BCP, Chair (Longview)

Vendor Liaison

Shannon Shaw, Co-Chair (The Woodlands)

La'Shundra Tucker, Co-Chair (Arlington)



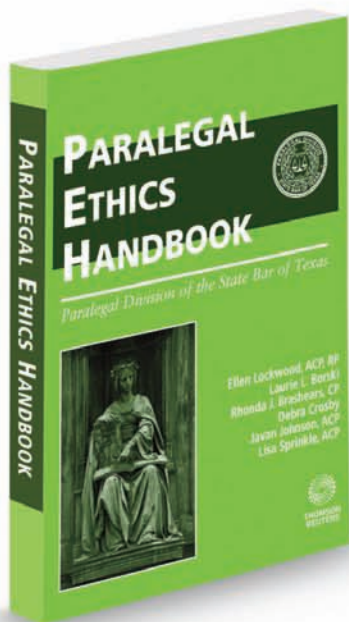
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<http://txpd.inreachce.com>





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PARALEGAL ETHICS HANDBOOK



Paralegal Division of the State Bar of Texas

By: Ellen Lockwood, ACP, RP

Laurie L. Borski

Rhonda J. Brashears, CP

Debra Crosby

Javan Johnson, ACP

Lisa Sprinkle, ACP

The Paralegal Ethics Handbook is a resource for all paralegals that addresses ethical considerations for 17 practice areas as well as considerations for in-house, corporate, freelance, administrative, governmental, and regulatory law paralegals.

This title:

- Examines such topics as defining ethics, ethical obligations, and remaining ethical
- Addresses ethical considerations for e-filing, e-discovery, and technology
- Provides resources for state information and paralegal association ethics cannons and related information
- Contains rules and regulations for all 50 states and Washington, D.C.
- Explains how to determine whether an action may be an ethical violation



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